

Company by supporting a measure authorizing the Governor to remit the forfeiture.

M. D. GRAHAM,

Minority of Committee on Judiciary.

I concur in the foregoing report.

PIRKEY,

One of same Committee.

Mr. Martin moved that one hundred and fifty copies of the majority and minority report each, be printed for the use of the Senate—lost by the following vote :

YEAS—Messrs. Burroughs, Graham, Lott, McCulloch, Martin, Pirkey and Scarborough—7.

NAYS—Messrs. Britton, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, Hyde, Maverick, Paschal, Russell, Shepard, Stockdale, Tankersly, Taylor of Fannin, Throckmorton, Truitt, Whaley and Wigfall—19.

On motion of Mr. Scarborough, the Senate adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The Senate met—roll called—there being no quorum, it adjourned until to-morrow morning at 10 o'clock, A. M.

THURSDAY, February 11, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had concurred in the amendments of the Senate to the following bills originating in the House :

A bill for the relief of the heirs of John B. Fox ;

A bill to authorize the county court of Gonzales county to levy a special tax ;

A bill to purchase a site for the permanent location of the institution for the education of the blind ;

A bill supplemental to an act to fix the time of holding courts in the 14th Judicial District ;

A bill to amend an act to create the 15th Judicial District, and provide for the election of a Judge, &c., approved January 21st, 1856 ;

A bill for the relief of the heirs of Frederick Hemiger, or their assigns; and

A bill for the relief of Thomas Cochrane ;

And that the House had passed the following bills originating in that body :

A bill for the relief of the Sabine and Galveston Bay Railroad and Lumber company ; and

A bill to incorporate all military uniformed companies, now organized or to be organized in the State ;

And the following bills originating in the Senate :

A bill better to define the boundaries of Chambers county ;

A bill to authorize Thomas P. Ochiltree to practice law in the courts of this State ; and

A bill supplemental to an act to incorporate the Sabine and Rio Grande Railroad company, approved February 6th, 1854 ;

And a Senate's bill supplemental to and amendatory of an act supplemental to and amendatory of an act to ascertain legal claims for money or land against the State, passed August 1, 1856, and January 16th, 1858, with an amendment ;

And a substitute for a Senate's bill to re-organize the 8th Judicial District, and define the time of holding courts therein ;

And a Senate's bill to amend an act to regulate Juries, with an amendment.

Mr. Russell, chairman of the committee on Engrossed Bills, reported as correctly engrossed :

A bill to amend an act defining the office and duties of Sheriffs, passed May 12, 1846 ;

A joint resolution in response to the Governor's message on Kansas Affairs ; and

A bill for the relief of F. W. Johnson.

Mr. Hyde made the following report :

The committee on Finance have considered a bill granting to Charles Sheppard a pension of one hundred and twenty-five dollars annually, during his natural life, and beg leave to report :

That said Sheppard never served in any company authorized by law ; but was only a volunteer in a company raised in the city of Austin, and placed in charge of Capt. George M. Dolson, which was solely for private purposes, and not for the service of the Government, and which company was in fact in open violation of the authorities of the Republic.

The committee do not think it the true policy of the State to grant pensions to every person who may be wounded in an affray, or while temporarily acting as a volunteer against some supposed danger. I am therefore instructed to recommend the indefinite postponement of the bill.

Mr. Stockdale, from the committee on State Affairs, to which was referred the petition of the citizens of Victoria county, asking a repeal of the law changing the boundaries of that and other counties, reported the following bill in accordance with the prayer of said petitioners, and recommended its passage.

A bill to repeal an act changing a portion of the boundaries of the counties of Calhoun, Victoria and Refugio, passed September 1, 1856; read first time.

On motion of Mr. Stockdale, the rule was suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

On motion of Mr. Caldwell, a House bill to encourage the reclamation of slaves escaping beyond the limits of the slave territories of the United States, was taken up and read first time.

On motion of Mr. Herbert, the rule was suspended, bill read second time and passed to a third reading by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Herbert, Hyde, Lott, McCulloch, Martin, Paschal, Scarborough, Shepard, Tankersly, Taylor of Fannin, Truitt, Whaley and Wigfall—19.

NAYS.—Messrs. Grimes, Guinn, Maverick, Russell and Stockdale—5.

Mr. Caldwell moved a further suspension of the rule in order that the bill might be placed upon its third and final reading.

Carried by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Herbert, Hyde, Lott, Martin, Pirkey, Russell, Scarborough, Stockdale, Tankersly, Taylor of Fannin, Throckmorton and Whaley—20.

NAYS—Messrs. Guinn and Maverick—2.

The bill was then read third time and passed.

On motion of Mr. Tankersly, a House bill for the relief of the Sabine and Galveston Bay Railroad and Lumber company was taken up and read first time.

Rule suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed by the following vote :

YEAS.—Messrs. Britton, Caldwell, Fall, Graham, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pedigo, Scarborough, Stockdale, Tankersly, Taylor of Fannin, Truitt and Whaley—19.

NAYS.—Messrs. Pirkey, Russell and Walker—3.

On motion of Mr. Taylor of Fannin, a House bill to prohibit the sale of spirituous or vinous liquors to an Indian of the territory bordering on the State of Texas was taken up and read first time.

Rule suspended, bill read second time and passed to a third reading.

On motion of Mr. Throckmorton, the bill was amended by striking out, "This act shall take effect from its passage."

Rule further suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Scarborough, Shepard Stockdale, Tankersly, Taylor of Fannin, Truitt, Walker, Whaley and Wigfall—23.

NAYS—Messrs. Pirkey, Russell and Throckmorton—3.

Mr. Russell, chairman of the committee on Engrossed Bills reported :

A bill to incorporate the Columbus, San Antonio and Rio Grande Railroad company ; and

A bill to relinquish to Catherine R. S. Jones the right of the State to the escheated property of David Williams, deceased, correctly engrossed.

On motion of Mr. Britton, the last named bill was taken up, read a third time and passed.

On motion of Mr. McCulloch, a House bill to create the county of Blanco, and adjust the boundaries of counties affected thereby, was taken up and read first time.

Rule suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Herbert, Hyde, McCulloch, Martin, Maver-

ick, Paschal, Scarborough, Shepard, Stockdale, Tankersly, Taylor of Fannin, Throckmorton, Truitt, Walker, Whaley and Wigfall—23.

NAYS—Messrs. Guinn and Pirkey—2.

Mr. Russell made the following report :

The Special committee appointed for that purpose, have considered the joint resolutions authorizing Mr. Wm. M. Spalding to bring suit against the State in the District Court of Liberty county, and a majority of the committee instruct me to recommend their passage with the following amendments :

*Amendments.*—Strike out “District Court of Liberty county,” and insert, “District Court of Travis county.”

Strike out the proviso to the resolutions.

On motion of Mr. Britton, the Senate concurred in the amendments of the House to a Senate’s bill supplemental to the charter of the Aransas Road company.

Mr. Wigfall made the following report :

The committee of the Senate on State Affairs to whom was referred the joint resolution, recommending the payment of a certain claim therein named, have had the same under consideration, and have now the honor to report to the following effect :

The act of Congress, approved February 28th, 1855, and entitled an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September 9th, 1850, appropriated seven millions seven hundred and fifty thousand dollars, to be paid pro-rata, to that class of the creditors of Texas whose claims were secured by a pledge of impost and tonnage duties. It required the Secretary of the United States Treasury to give for the space of ninety days, notice of the time when said payments would be made, and provided that payment should be barred on all claims not presented within thirty days after the end of the ninety days notice aforesaid.

This limitation, however, was by subsequent acts, extended to the first of January of the present year, and the result is, that a balance of the appropriation is left, amounting to about eighty or ninety thousand dollars, occasioned mainly by the loss and destruction of the original evidence of debts. The creditors who have already received one dividend will claim this balance, and it is the opinion of the committee that the extra services of the Comptroller of the State of Texas, have a just and equitable claim against the balance aforesaid.

The provision made for adjusting the public debt, created for him new duties, not foreseen when his office was created, and its compensation fixed. His services in that adjustment were exceedingly onerous and responsible, requiring three successive visits to Washington City in addition to his labors here. Those duties were of the utmost importance to all the parties concerned—the United States, the State of Texas, and the creditors individually—and would have given ample employment to a special agent unencumbered with other business. Therefore, as no additional pay has yet been allowed for his extra service, which is allowed to have been rendered with fidelity and advantage to all interested. Your committee is of opinion that the claim for such extra compensation ought to be paid out of the unexpended balance referred to, and recommend the passage of the joint resolution providing for the same.

On motion of Mr. Guinn, the Senate concurred in the amendments of the House to the following Senate's bills:

A bill supplemental to an act supplemental to and amendatory of an act to ascertain legal claims for land or money against the State, approved August 1, 1856, and January 16, 1858 ;

A bill to amend an act to regulate Juries ; and

A bill to legalize surveys in the disputed territory, between the Milam and Bexar Land Districts.

A House bill to incorporate all military uniformed companies, now organized or to be organized in the State, was taken up and read first time.

On motion of Mr. Britton, the rule was suspended and bill read a second time.

On motion of Mr. Guinn, the bill was amended by striking out that part exempting the members of said companies from Jury duty.

On motion of Mr. Erath, it was further amended by striking out that part exempting the members of said companies from Road duty.

The bill was then passed to a third reading.

On motion of Mr. McCulloch, the rule was further suspended, and bill read a third time.

On motion of Mr. Erath, the Senate adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

The House bill to incorporate all military uniformed companies, now organized or to be organized in the State, passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Herbert, Hyde, McCulloch, Martin, Paschal, Shepard, Stockdale, Tankersly, Throckmorton, Truitt, Walker, Whaley and Wigfall—20.

NAYS—Messrs. Fall, Maverick and Scarborough—3.

On motion of Mr. Wigfall, the rule was suspended, and a joint resolution recommending the payment of a certain claim therein named, was taken up and read a second time.

The Senate refused to engross the joint resolution.

On motion of Mr. Whaley, a House bill for the relief of Alexander Patrick was taken up and read second time.

The Senate refused to pass the bill to a third reading.

On motion of Mr. Paschal, a bill supplemental to an act to encourage the construction of Railroads in Texas by donations of lands, approved January 30th, 1854, was taken from the table, read and ordered to be engrossed by the following vote :

YEAS—Messrs. Britton, Caldwell, Erath, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Scarborough, Shepard, Stockdale, Tankersly, Truitt and Wigfall—15.

NAYS—Messrs. Burroughs, Fall, Graham, Grimes, Guinn, Martin, Russell, Throckmorton, Walker and Whaley—10.

Rule suspended, bill read third time and passed by the following vote :

YEAS—Messrs. Britton, Caldwell, Erath, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Scarborough, Shepard, Stockdale, Tankersly and Wigfall—14.

NAYS—Messrs. Burroughs, Fall, Graham, Grimes, Guinn, Lott, Martin, Russell, Throckmorton, Truitt, Walker and Whaley—12.

### ORDERS OF THE DAY.

A bill to provide for the assessment and collection of taxes, was read, and

On motion of Mr. Grimes, laid on the table.

On motion of Mr. Guinn, the Senate proceeded to the election of a President, *pro tempore*.

Mr. Guinn nominated Mr. Maverick.

On motion of Mr. Russell, Mr. Maverick was declared by acclamation the President, pro tem., of the Senate.

On motion of Mr. Burroughs, the Senate proceeded to the election of a Sergeant-at-Arms.

Mr. McCulloch nominated Mr. D. C. Burleson.

There being no other nomination, the Senate proceeded to ballot.

Messrs. Burroughs, Shepard and McCulloch were appointed tellers.

Upon casting up the ballot, it appeared that Mr. Burleson had received 23 votes, and blank one vote.

Mr. Burleson having received a majority of all the votes cast, was declared duly and constitutionally elected Sergeant-at-Arms of the Senate, for the balance of the present session.

On motion of Mr. Lott, a bill for the relief of Sherrod and Ezekiel Roland was taken up, read, and ordered to be engrossed.

Rule suspended, bill read third time and passed.

Mr. Burroughs, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined and find correctly enrolled—

An Act to authorize James H. Matthews to construct a dam across the Colorado river ;

An act to incorporate Opelousas and Texas Western Railroad Company ;

An act to authorize the Commissioner of the General Land Office to make out transcripts of field notes of surveys heretofore made in Milam and Bexar Land Districts, which have been returned to his office, and which surveys are now included in Young Land District, together with maps of such surveys ;

An act better to define the boundaries of Chambers county ;

An act supplementary to and amendatory of an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856 ;

An act to authorize Thomas P. Ochiltree to practice law in the courts of this State ;

An act supplemental to an act to incorporate the Sabine and Rio Grande Railroad Company ;

An act for the relief of Thomas Cochrane ;

An act to provide for making legal and valid transcripts of records of surveys and maps taken from Cook and Denton



Land Districts, and now included in Young county Land District ;

An act supplemental to an act fixing the times for holding the courts in the 14th Judicial District ;

An act making an appropriation for the purchase of a permanent location for the institution established for the education of the blind of the State of Texas ;

An act to amend an act to create the 13th Judicial District, providing for the election of a Judge and District Attorney thereof, and define the time of holding courts therein ;

An act for the relief of the heirs of John Fox ;

An act for the relief of the heirs of Frederick Henneger, deceased, or their assigns ;

And having been signed, by the proper officers, were this day presented to the Governor for his approval.

On motion of Mr. Russell, the Senate adjourned until tomorrow morning, at 10 o'clock.

FRIDAY, February 12, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had passed—

A Senate's bill to provide for the payment of three companies of minute-men, commanded by Captains John W. Sansom, John D. Davenport, and R. W. Black ;

A House bill to establish uniform weights and measures ;

A Senate's bill to authorize the sale of the public domain.

And the following bills originating in the House :

A joint resolution in relation to the Indians residing in the counties of Polk and Tyler ; and

A substitute for a Senate's bill to provide for arranging, digesting and publishing the laws of the State, of a general nature—civil and criminal.

And the following Senate's bills :

A bill for the relief of John W. Hayden ;

A bill for the relief of W. B. Mauldin ; and

A bill for the relief of Sherrod and Ezekiel Roland ; and

A bill for the relief of Lewis David, with an amendment.

And the following bill originating in the House :